

COUNTY NOTICES OF PROPOSED RULEMAKING

Pursuant to A.R.S. § 49-112(A) or (B)

NOTICE OF PUBLIC HEARING

MARICOPA COUNTY

ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION

1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject to the public hearing:

Rule 210 (Title V Permit Provisions)

Rule 240 (Permits for New Major Sources and Major Modifications to Existing Major Sources)

Rule 300 (Visible Emissions)

2. The date, time, and location of public hearing scheduled:

Date: Wednesday, February 7, 2001

Time: 9:00 a.m.

Location: Maricopa County Board of Supervisors Auditorium
205 West Jefferson Street
Phoenix, Arizona

Nature: To discuss and approve Rules 210, 240, and 300

3. County personnel to whom questions and comments may be addressed:

Name: Johanna Kuspert, Air Quality Planner

Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #695
Phoenix, Arizona 85004

Telephone: (602) 506-6710

Fax: (602) 506-6179

4. Any other pertinent information concerning the above described rules, ordinance, or other regulations:

Please refer to the Notice of Proposed Rule Adoption which appears below in this issue of the *Arizona Administrative Register*.

NOTICE OF PROPOSED RULE ADOPTION

MARICOPA COUNTY

ENVIRONMENTAL SERVICES DEPARTMENT - AIR QUALITY DIVISION

1. Heading and number of the proposed rule, ordinance, or other regulations:

Rule 210 (Title V Permit Provisions)

Rule 240 (Permits for New Major Sources and Major Modifications to Existing Major Sources)

Rule 300 (Visible Emissions)

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

2. Summary of the proposed rules, ordinance, or other regulations:

Rules 210 (Title V Permit Provisions), 240 (Permits for New Major Sources and Major Modifications to Existing Major Sources), and 300 (Visible Emissions)

This rulemaking package is called the New Source Review (NSR) Fix-Up Rulemaking Package; It includes Rule 210 (Title V Permit Provisions), Rule 240 (Permits For New Major Sources And Major Modifications To Existing Major Sources), and Rule 300 (Visible Emissions).

The revisions proposed to Rule 210 correspond with the Arizona Department Of Environmental Quality's (ADEQ's) final rulemaking effective December 20, 1999. ADEQ incorporated 40 Code Of Federal Regulations (CFR) 64 (the Federal Compliance Assurance Monitoring (CAM) rules) into Arizona air quality rules. ADEQ clarified existing language concerning significant revisions for Title V sources, so that CAM will be implemented the same way in Arizona as in the rest of the country, and modified the definition of major source, due to the Environmental Protection Agency's (EPA's) expected action extending interim Part 70 approval for Arizona beyond the current June 1, 2000 expiration date. ADEQ also made minor technical changes in the Permit Application Processing Procedures section.

The revisions proposed to Rule 240 correspond with ADEQ's changes to New Source Review (NSR) regulations in Title 18 (Environmental Quality), Chapter 2 (Department Of Environmental Quality-Air Pollution Control), Article 4 (Permit Requirements For New Major Sources And Major Modifications To Existing Major Sources), effective September 22, 1999. Maricopa County is also proposing to add a mobile source emission reduction credit (MERC) provision to Rule 240 – new Subsection 306.13. The text of new Subsection 306.13 is based on San Diego's Rule 27.

ADEQ revised Article 4 because the Phoenix ozone nonattainment area was reclassified as a serious ozone nonattainment area. In addition, ADEQ revised Article 4 to address the EPA's written comments dated July 10, 1998, regarding the New Source Review/Prevention Of Significant Deterioration (NSR/PSD) Permit Rules.

ADEQ modified the definition of major source, such that changes at minor sources in the Phoenix ozone nonattainment area, in addition to increasing emissions above the major source threshold, would have to be significant in order for the change to subject the source to NSR. The change makes ADEQ's rule more closely parallel to the Federal NSR program for serious and severe ozone nonattainment areas. The major source threshold for volatile organic compound (VOC) sources in the Phoenix ozone nonattainment area was automatically reduced from 100 tons to 50 tons on December 8, 1997, when the area was reclassified from moderate to serious.

In addition, ADEQ removed the requirement that creditable emission decreases must be simultaneous to the modification. This change is consistent with the current Federal 5-year contemporaneous period, which takes into account changes over a 5-year period when considering increases and decreases for netting (i.e., when adding-up emission increases and decreases to determine whether the net emission increase is 25 tons (significant)). This change also encourages sources to make facility changes that decrease emissions earlier than they would otherwise, because the decrease will count against emission increases for 5 years, not only when simultaneous with the change.

ADEQ added a de minimis or trivial increase/decrease level for aggregation purposes. For discussion and comment in May 1998, ADEQ proposed a range of levels: 1 ton, 2 tons, and 3 tons. After further discussion and comment and based on action taken on other State rules, ADEQ decided that only the 1 ton level would be approvable by EPA.

The revisions proposed to Rule 300 are intended to match Maricopa County Air Pollution Control Regulations Rule 130 (Emergency Provisions) and Rule 140 (Excess Emissions). Maricopa County deleted Section 501 (Emergency Provision) and Section 502 (Excess Emissions) from Rule 100 and wrote each section as an individual rule; on July 26, 2000, Rule 100, Section 501 became Rule 130 and Rule 100, Section 502 became Rule 140.

3. A demonstration of the grounds and evidence of compliance with A.R.S. 49-112(A) or A.R.S. 49-112(B):

The Control Officer of the Maricopa County Environmental Services Department affirms the following:

Pursuant to A.R.S. § 49-112(A), as enacted in 1994, Maricopa County may adopt rules that are more stringent than or in addition to a provision of the state, provided that the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or if it is required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not exceed the reasonable costs of the county to issue and administer that permit program.

Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County is proposing to adopt revisions to Rule 210 that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

County Notices Pursuant to A.R.S. § 49-112(A) or (B)

Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County is proposing to adopt a provision in Rule 240, the Mobile Source Emission Reduction Credits, that is more stringent than a provision of the state in order to address a peculiar local condition, the designation of Maricopa County as a Serious Nonattainment Area for Ozone and Carbon Monoxide. The other revisions to Rule 240 are not more stringent than state provisions and were made in order to conform to ADEQ's rule provisions.

Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County is proposing to adopt revisions to Rule 300 that may be more stringent than a provision of the state in order to address a peculiar local condition, the designation of Maricopa County as a Serious Nonattainment Area for Particulate Matter. The proposed revisions address approvability issues raised by the EPA regarding several exemptions contained in the existing rule.

The Section 112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program, which is administered under direct statutory authority. Therefore, these rules are not being adopted/revised in lieu of a state program.

4. Name and address of the person to whom persons may address questions or comments:

Name: Johanna Kuspert
Air Quality Planner

Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #695
Phoenix Arizona 85004

Telephone: (602) 506-6710

Fax: (602) 506-6179

5. Where persons may obtain a full copy of the proposed rules, ordinance, or other regulations:

Name: Maricopa County Environmental Services Department
Air Quality Division

Address: 1001 North Central Avenue, #201
Phoenix Arizona 85004

Telephone: (602) 506-6010

Fax: (602) 506-6179